

REMARKS

Applicant has carefully studied the outstanding Office Action in the present application. The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Application as examined included claims 1-22. Claims 1-5 and 15 are currently amended. Applicant has added new dependent claims 23 and 24.

Claims 1-22 stand rejected under 35 USC 103(a) as being unpatentable over Ginter, et al. (U.S. Patent No. 6,253,193) in view of Salas, et al. (U.S. Patent No. 6,314,408), further in view of Stefik et al. (U.S. Patent No. 6,236,971).

Ginter describes systems and methods for secure transaction management and electronic rights protection. Salas describes a method for controlling access to a product including receiving a request for a product, generating a license string for the product, and transmitting that license string to a user of the product. Stefik describes a system for controlling the distribution and use of digital works using digital tickets which entitle the digital ticket holder to exercise some usage right with respect to a digital work.

Applicants express their appreciation to Examiner Cristina O. Sherr for the courtesy of an interview, which was granted to Applicants' representative, Sanford T. Colb (Reg. No. 26,856). The interview was held in the USPTO on April 26, 2006. The substance of the interview is set forth in the Interview Summary.

At the interview, claim 1 was discussed vis-à-vis the prior art of Ginter and Stefik. The Interview Summary Record states, in relevant part "Claims will be amended, for continued examination, to reflect a method for 'setting' a licensing policy, conducting a 'relatively more tolerant' licensing policy and eventually a 'relatively less tolerant' licensing policy for greater clarity, thus narrowing the claims."

Applicant has accordingly amended claim 1 as discussed to recite "a relatively more tolerant licensing policy" and "a relatively less tolerant licensing policy". Applicant has similarly amended claim 15 to recite "a relatively more tolerant maximum

number of available licenses” and “a relatively less tolerant maximum number of available licenses.” Applicant has also amended claims 2-5 to provide proper antecedent basis for all items claimed therein based on the amendments to claim 1.

Support for the amendments to the claims is found in paragraph 15 of the application as published, inter alia. Support for new claims 23 and 24 is found in paragraph 15 of the application as published.

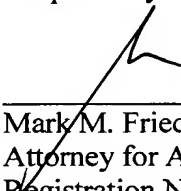
Applicant respectfully submits that none of the prior art, either alone or in combination, shows or suggests a method for setting a licensing policy of using at least one digital product by a plurality of users of an organization, including conducting a relatively more tolerant licensing policy for the use of the at least one digital product by the plurality of users during a trial period, monitoring at least one parameter of the use during the trial period and implementing, by utilizing at least one optimization method based on said monitoring of said at least one parameter, a relatively less tolerant licensing policy, as recited in amended claim 1.

Applicant respectfully submits that none of the prior art, either alone or in combination, shows or suggests a method for determining a number of available licenses in a licensing pool, the licenses directed for the use of at least one digital product by a plurality of users of an organization, the method including issuing a relatively more tolerant maximum number of available licenses to the licensing pool, complying with the relatively more tolerant maximum number of available licenses from the pool that come from the plurality of users, and monitoring a count of the issued licenses and when said trial period is over, setting a relatively less tolerant maximum number of available licenses in the pool by implementing at least one optimization method based on the monitoring, as recited in amended claim 15.

Applicant respectfully submits that claims 1 and 15 are therefore patentable. Claims 2-14 and 23-24 depend directly or ultimately from claim 1 and recite additional patentable matter and are therefore deemed allowable. Claims 16-22 depend ultimately or directly from claim 15 and recite additional patentable matter and are therefore deemed allowable.

In view of the foregoing, all of the claims are deemed to be allowable. Favorable reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,



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